REMARKS

Applicants have carefully reviewed the Office Action dated February 9, 2006. Applicants have amended Claims 1, 9 and 10 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Kitsukawa* in view of *Yuen*. This rejection is respectfully traversed in view of the currently presented claims.

The Examiner has utilized the *Kitsukawa* reference to provide support for the steps of generating an advertisement broadcast comprised of a general program having non-advertisement content and associated advertisement dispersed therethrough for broadcast over broadcast media which is directed to a general class of consumers. The *Kitsukawa* reference, as the Examiner has noted and as Applicant has described in previous responses, basically teaches that icons or objects that represent advertisements may be presented to a TV viewer. These icons basically provide a link to an advertiser in response to the user selecting such. The Examiner is correct in that these advertisements may be presented to a TV viewer *during* the display of a particular TV broadcast. In particular, the particular icons associated with the advertisement are displayed in conjunction with the particular subject matter. For example, when a picture of a chair in a broadcast is provided, there is, at the bottom of the display, provided a link to an advertiser associated with that chair. This is provided contemporaneously with the actual picture of the chair such that there is an association between the chair and the advertisement.

The Examiner has also utilized the *Kitsukawa* reference as supporting his rejection of the feature wherein unique information is dispersed throughout the program at different places such that the viewer is induced by one portion to access a desired advertiser's location and then, at a different location in the broadcast, there is provided the ability to access the information. The Examiner also considers that, as to information being at predetermined times, *Kitsukawa* teaches that the advertising data may be multiplexed with the program before it is broadcast and, therefore, the viewer is provided with an alert that informs the viewer that an advertisement "will be available." The Examiner refers to the abstract and the disclosure column 7, lines 10-20, the text of which is set forth as follows:

> . . . If an advertisement mode is selected, operation continues at step 408, at which the viewer is alerted when advertising information is available for an item displayed in a scene of the television program broadcast. The viewer alert comprises a tone and at least one displayed mark, wherein the displayed mark may be superimposed over the broadcast of the television program on the screen, but the embodiment is not so limited. The displayed mark of one embodiment comprises an indicator for each item for which advertising data is available, and the indicators may be representative of the items to which the indicators correspond, but the embodiment is not so limited.

This portion of the Specification refers to a viewer alert that is comprised of a tone and at least one displayed mark. This mark is superimposed over the broadcast of the television program on the screen. Again, this is contemporaneous with the program, such that it cannot be at "different times." The claims, as currently presented, provides that the unique information is provided at different times wherein the first portion informs the consumer that an access will be available "at another desired time." This indicates that the alert for the particular access occurs at a different time, wherein the *Kitsukawa* reference discloses that it is contemporaneous. As such, Applicant believes that the *Kitsukawa* reference does not obviate or anticipate Applicant's present inventive concept, as defined by the amended claims. This portion of the claim is recognized by the Examiner to be a limitation that is not entirely anticipated or obviated by the *Kitsukawa* reference in and of itself. The Examiner has utilized the *Yuen* reference for this purpose. The Examiner has cited the portion of the background which is very similar to Applicant's description of the prior art, that being where a normal operation is to provide some type of announcement at some time in the day to induce a listener to tune in at a later time. However, the present invention utilizes the pre-announcement as part of the program itself. Therefore, the use of the imbedded signal for both the inducing portion and for the portion that allows access at a later time is not disclosed by *Kitsukawa* or *Yuen*, either singularly or in combination. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to the rejected claims.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,739 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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